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COMMITTEE ON CRIME PREVENTION AND CONTROL
Eleventh session
Vienna, 5-16 February 1990
Agenda item 4

IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft resolution submitted by Roger S. Clark (New Zealand), Dusan Cotic (Yugoslavia), Trevor P. Frank De Silva (Sri Lanka), David Faulkner (United Kingdom of Great Britain and Northern Ireland), Ronald L. Gainer (United States of America), Vasily P. Ignatov (Union of Soviet Socialist Republics), Albert L.O. Metzger (Sierra Leone), Jorge A. Montero Castro (Costa Rica), Simone Andrée Rozès (France), Abdel A.A. Shiddo (Sudan)

The Committee on Crime Prevention and Control recommends to the Economic and Social Council the adoption of the following draft resolution:

"Implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

"The Economic and Social Council,

"Bearing in mind General Assembly resolution 40/34 of 29 November 1985 adopting the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, approved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling that in this resolution Member States and other entities were called upon to take the necessary steps to give effect to the provisions of the Declaration so as to secure justice and assistance for victims of crime and abuse of power and curtail victimization,

"Taking into account Economic and Social Council resolution 1989/57, of 24 May 1989, in which the Council recommended that a number of measures should be taken at the national and international levels to give effect to the provisions of the Declaration and ensure further progress in developing redress and services for victims, promoting a better understanding of their situation and appropriate assistance, in collaboration with the relevant agencies and organizations,

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* Re-issued for technical reasons.

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"Bearing in mind the resolutions and recommendations of the preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Having considered the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1990/CRP.1),

"Recognizing the need for continuing efforts to give effect to the Declaration, and to adapt it to the full range of needs and the circumstances of different countries.

"Recognizing, in particular, the need to look beyond national measures in some instances, especially where victims of transnational crimes and abuse of power are concerned,

"1. Takes note of the report of the Secretary-General on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1990/3) and of the note by the Secretary-General on the United Nations network of government-appointed national correspondents in the field of crime prevention and control (E/AC.57/1990/4);

"2. Requests the Secretary-General to take concerted action in order to prevent and curtail serious victimization where national remedies are inadequate, involving all parts of the United Nations system and other relevant organizations, with an appropriate division of responsibilities and adequate co-ordination between all the entities concerned:

"(a) To monitor the situation;

"(b) To provide crisis intervention, where appropriate, to halt further victimization;

"(c) To develop and institute means of conflict resolution and mediation;

"(d) To promote access to justice and redress for victims;

"(e) To assist in providing material, medical and psycho-social assistance to victims and/or their families;

"3. Invites the United Nations interregional and regional institutes to provide mechanisms for the development and international co-ordination of services for victims, and to promote the collection, collation, and exchange of information and ideas in order to improve standards for the treatment of victims;

"4. Requests the Secretary-General to continue to devote attention to policy and research on the situation of victims of crime and abuse of power, and to the effective implementation of General Assembly resolution 40/34 and the Declaration;

"5. Recommends that Member States and the United Nations interregional and regional institutes should take the necessary steps to provide suitable training in issues concerning victims to professionals and others dealing with victims;

"6. Invites the United Nations funding agencies, especially the United Nations Development Programme and the Department for Technical Co-operation for Development, to support programmes of technical co-operation to Governments for the establishment of services for victims;

"7. Requests the Secretary-General to further develop international means of recourse and redress for victims where national channels may be insufficient, and

to report on their development to the Committee on Crime Prevention and Control at its twelfth session;

"8. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to recommend the wide distribution of the Guide for Practitioners, the annotations to the Declaration, and the model training curricula."

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Agenda item 4*

IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft resolution submitted by Roger S. Clark (New Zealand), Dusan Cotic (Yugoslavia), Trevor P. Frank De Silva (Sri Lanka), David Faulkner (United Kingdom of Great Britain and Northern Ireland), Ronald L. Gainer (United States of America), Vasily P. Ignatov (Union of Soviet Socialist Republics), Albert L.O. Metzger (Sierra Leone), Jorge A. Montero Castro (Costa Rica), Simone Andrée Rozès (France), Abdel A.A. Shiddo (Sudan)

The Committee on Crime Prevention and Control recommends to the Economic and Social Council the adoption of the following draft resolution:

"Implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

"The Economic and Social Council,

"Bearing in mind General Assembly resolution 40/34 of 29 November 1985 adopting the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, approved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling that in this resolution Member States and other entities were called upon to take the necessary steps to give effect to the provisions of the Declaration and to curtail victimization,

"Taking into account Economic and Social Council resolution 1989/57 of 24 May 1989 in which the Council recommended that Member States should take the necessary steps to give effect to the provisions contained in the Declaration,

"Bearing in mind the resolutions and recommendations of the preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

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* E/AC.57/1990/1.

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"Having considered the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1990/CRP.1),

"Recognizing the need for continuing efforts to give effect to the Declaration, and to adapt it to the full range of needs and the circumstances of different countries,

"Recognizing, in particular, the need to look beyond national measures in some instances, especially where victims of transnational crimes and abuse of power are concerned,

"1. Takes note of the report of the Secretary-General on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1990/3);

"2. Requests the Secretary-General together with all entities of the United Nations system and other relevant organizations to co-ordinate the necessary action, with a humanitarian objective, to prevent and curtail severe victimization where national means of redress are insufficient, and:

"(a) To monitor the situation;

"(b) To develop and institute means of conflict resolution and mediation;

"(c) To promote access to justice and redress for victims;

"(d) To assist in providing material, medical and psycho-social assistance to victims and/or their families;

"3. Invites the United Nations interregional and regional institutes to provide mechanisms for the development and international co-ordination of services for victims, and to promote the collection, collation and exchange of information and ideas in order to improve standards for the treatment of victims;

"4. Requests the Secretary-General to continue to devote attention to policy and research on the situation of victims of crime and abuse of power, and to the effective implementation of General Assembly resolution 40/34;

"5. Recommends that Member States and the United Nations interregional and regional institutes should take the necessary steps to provide suitable training in issues concerning victims to professionals and others dealing with victims;

"6. Invites the United Nations funding agencies, especially the United Nations Development Programme and the Department for Technical Co-operation for Development, to support programmes of technical co-operation to Governments for the establishment of services for victims;

"7. Requests the Secretary-General to further develop international means of recourse and redress for victims where national channels may be insufficient, and to report on their development to the Committee on Crime Prevention and Control at its twelfth session;

"8. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to recommend the wide distribution of the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power."

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Agenda item 3 (a)

PROGRAMMING AND OTHER MATTERS:

(a) Progress report on United Nations activities in crime prevention and control for the biennium 1988-1989

Draft resolution submitted by
David Faulkner (United Kingdom of Great Britain and Northern Ireland)

The Committee on Crime Prevention and Control recommends to the Economic and Social Council the adoption of the following draft resolution:

"United Nations surveys of criminal justice statistics

"The Economic and Social Council,

"Convinced of the important role of criminal justice statistics in the informed management of all criminal justice operations and of the need for comprehensive, accurate and up-to-date criminal justice data bases at the national and international level,

"Recognizing the need to continue the work on United Nations criminal justice statistics undertaken by way of United Nations periodical surveys of crime trends, operations of criminal justice systems and crime prevention strategies while making those surveys as uncomplicated as possible, and the major contribution that the analysis of such surveys can make to the formulation and development of criminal justice programmes,

"Bearing in mind Economic and Social Council resolution 1984/48 of 25 May 1984 and resolution 9 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which requested the Secretary-General to allocate existing resources to allow for the enhancement of efforts to establish and develop national statistical data bases on crime and the operations of the criminal justice systems and to strengthen the work of the United Nations regional institutes in that field,

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"Believing that to realize their future surveys have to be simplified and undertaken more frequently and that the replies to them can be made more accurate,

"1. Recommends that the Fourth United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies should be simplified; that it should cover the period 1987-1990; and that subsequent surveys should be carried out at two- and ultimately one-year intervals to allow the reporting practices of Member States to become standard practice;

"2. Calls upon Member States to endeavour to provide more complete responses to the Fourth United Nations Survey;

"3. Invites the United Nations interregional and regional institutes in co-operation with the Crime Prevention and Criminal Justice Branch and the United Nations Statistical Office, to review the preparation of the survey questionnaire and the analysis and publication of results;

"4. Invites Member States to give financial assistance, through the United Nations Trust Fund for Social Defence or in other ways, to countries in the creation and maintenance of criminal justice data bases, at the national and international levels, and to provide the necessary expertise or appropriate international analysis and policy recommendations;

"5. Requests the Secretary-General in his progress report to the Committee on Crime Prevention and Control at its twelfth session to make proposals for improving the number and quality of responses to the Fourth United Nations Survey, and for the publication of the results in the framework of regular reports on the state of crime and justice in the world;

"6. Requests the Secretary-General to convene a meeting at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider the revision of the survey questionnaire, and invites Governments to include suitable members in their national delegation;

"7. Further requests the Secretary-General, in particular through the Crime Prevention and Criminal Justice Branch and the Statistical Office in co-operation with the Department of Technical Co-operation for Development, to provide assistance to the regional institutes to organize training programmes for criminal justice statisticians and others involved in the preparation of the replies to the surveys with a view to increasing the response rate to the survey;

"8. Decides that the Committee on Crime Prevention and Control should review the results of the periodical surveys for their inclusion in regular United Nations technical publications on the state of crime and justice in the world."

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Agenda item 5

CONTINUATION OF PREPARATIONS FOR THE EIGHTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft resolution

Presented by Salah Nour (Algeria), B. Pandi (Central African Republic) and V. Ramanitra (Madagascar)

The Committee on Crime Prevention and Control recommends to the Economic and Social Council that it transmit to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders the following draft resolution:

"Technical co-operation in the field of crime prevention and criminal justice

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Considering that one of the objectives proclaimed in the United Nations Charter is to bring about international co-operation in developing and encouraging respect for human rights and fundamental liberties for all persons, without distinction as to race, sex, language or religion,

"Recalling, on the one hand, the Universal Declaration of Human Rights and the international covenants that relate thereto, and, on the other, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in resolution 3453 (XXX) of 9 December 1975,

"Convinced that, within the framework of development, crime prevention and criminal justice should be guided by respect for the principles proclaimed in the Caracas Declaration and the Milan Plan of Action, the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, and other pertinent instruments adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in particular, the body of minimum rules for the treatment of prisoners,

"Convinced also that, thanks to a concerted effort in all areas, the practical application of these principles should be encouraged, with full respect for human rights, fundamental liberties and the sovereignty of each Member State,

"Considering that a concerted intervention to this end, even in matters regarded as falling under the national sovereignty of a State, cannot be regarded as constituting interference in the internal affairs of that State,

"Recalling that the treatment of prisoners is generally regarded as an element of national sovereignty of the Member States,

"Further considering that the deteriorating socio-economic situation in certain countries is challenging the international community to come to the aid of these countries, in all areas, within the framework of freely concluded bilateral or multilateral conventions,

"1. Recommends that:

"(a) The international community, working through bilateral or multilateral conventions, provide the Member States requesting it with the necessary assistance, in all areas, specifically those contributing to the establishment of the infrastructure required for crime prevention and the administration of criminal justice;

"(b) Such action, freely accepted and embodying the principle of respect for and protection of human rights, be regarded as constituting support for that principle and not as representing interference in the affairs or a violation of its sovereignty;

"2. Invites the Member States to increase their co-operation in crime prevention and control by expanding their activities in this area;

"3. Requests the Secretary-General of the United Nations to inform the Committee on Crime Prevention and Control at its twelfth session on the measures taken by the Member States to achieve the objectives of this resolution;

"4. Recommends accordingly that the international community provide supplementary financial and technical support so as to help the member countries in their efforts to identify, analyse, follow up and evaluate crime trends, to formulate crime prevention and control strategies that are effective and in harmony with their national development plans, priorities and objectives, and to implement criminal justice policies with a view to ensuring respect for United Nations principles and standards in this area;

"5. Invites the Member States to include crime prevention and criminal justice policies in their planning process, particularly when formulating national development plans, so as to reduce the human, social and economic costs associated with criminality and delinquency, and to allocate sufficient funds to the activities of the criminal justice system while also directing the appropriate attention to research and training."

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CONTINUATION OF PREPARATIONS FOR THE EIGHTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft resolution submitted by
David Faulkner (United Kingdom of Great Britain and Northern Ireland),
Ronald L. Gainer (United States of America),
Farouk A. Murad (Saudi Arabia) and Minoru Shikita (Japan)

The Committee on Crime Prevention and Control recommends to the Economic and Social Council that the following draft resolution should be transmitted to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders:

"Computerization of Criminal Justice

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling General Assembly resolution 44/72 of 8 December 1989, in which the question of computerization of criminal justice was addressed,

"Recalling also resolution 9 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the Development of crime and criminal justice information and statistical systems,

"Further recalling resolution 1986/12 of the Economic and Social Council of 21 May 1986,

"Bearing in mind the recommendations on computerization of criminal justice administration proposed by the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II: 'Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures',

"Aware that crime poses a serious problem to the personal security of individuals and to the enjoyment of their human rights, thereby adversely affecting the quality of life and harming the development process,

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"Aware also that inefficiencies, inequalities or failures in the administration of criminal justice may themselves infringe on the rights and personal security of individuals,

"Recognizing that the computerization of criminal justice administration is an important mechanism for assistance in the efficient and humane management of criminal justice,

"Recognizing also that the growth of crime nationally and internationally calls for enhanced international co-operation,

"Convinced that the exchange of experiences at the Workshop and Seminar on the Computerization of Criminal Justice Administration at the Eighth United Nations Congress offers a suitable opportunity of establishing viable policy options on this issue,

"Conscious that promotion of the computerization of criminal justice administration among Member States requires the enhancement of technical co-operation activities,

"Emphasizing the common problems faced by all Member States in the administration and computerization of criminal justice, and that both developing and developed countries may, through an enhanced capacity for an exchange of information on an international level, benefit from such international co-operation in the process of computerization,

"Mindful that technical co-operation requires extensive expertise and resources and new logistical arrangements for the speedy delivery of services relating to the computerization of criminal justice administration,

"1. Requests the Secretary-General, subject to the availability of resources, to strengthen the global crime and criminal justice information network by the:

"(a) Development and distribution of appropriate publications, reports and newsletters;

"(b) Organization of regional and interregional meetings, seminars and workshops on a continuous basis;

"(c) Maintenance of an up-to-date roster of individuals and organizations to form the basis of an international technical co-operation infrastructure;

"(d) Enhancement of communication between Member States by the utilization of an electronic information network;

"2. Recommends that the Secretary-General, in co-operation with the network of regional and interregional institutes, should establish a technical co-operation programme for the systematization and computerization of criminal justice in order to offer training, assess needs, formulate and execute specific projects, and report on the results achieved to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

"3. Further recommends that the Secretary-General should establish an international group of experts, with interregional representation and with the support of the Department of Technical Co-operation, to report regularly to the Committee on Crime Prevention and Control, and with responsibility for:

"(a) Reviewing and assessing national experiences in the computerization of criminal justice;

"(b) Overseeing the establishment of the technical co-operation programme;

"(c) Monitoring the activities of the technical co-operation programme;

"(d) Informing Member States of the potential availability of funds and services from various donors in the governmental, intergovernmental and private sectors;

"(e) Informing such donors of the needs of Member States for assistance;

"(f) Consulting with relevant experts in the private sector in the field of criminal justice;

"4. Recommends that adequate information on the experience of Member States with systematization and computerization should be included, and the necessary facilities for the exchange of general substantive information between Member States should be provided in the global crime and criminal justice information network;

"5. Urges Member States, intergovernmental and non-governmental organizations, specialized agencies and other bodies, including in particular the United Nations Development Programme and the World Bank, and the interested entities in the private sector with a technical co-operation programme to consider giving a high priority to criminal justice systematization and computerization projects in such programmes;

"6. Further urges Member States to assist the Secretary-General in the funding of the global crime and criminal justice information network, the technical co-operation programme and the work of the international group of experts;

"7. Calls upon the Secretary-General to prepare proposals for submission to potential donors in the governmental, intergovernmental and private sectors, in possible consortium, to provide the funding and expertise necessary to carry out the activities referred to above; and such proposals should include pilot projects to demonstrate the value and viability of such activities, and serve as a basis for ensuring long-term resource support from diverse sources."

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CONTINUATION OF PREPARATIONS FOR THE EIGHTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft resolution submitted by
David Faulkner (United Kingdom of Great Britain and Northern Ireland),
Ronald L. Gainer (United States of America),
Farouk A. Murad (Saudi Arabia) and Minoru Shikita (Japan)

The Committee on Crime Prevention and Control recommends to the Economic and Social Council that the following draft resolution should be transmitted to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders:

"Computerization of criminal justice

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling General Assembly resolution 44/72 of 8 December 1989, in which the question of computerization of criminal justice was addressed,

"Recalling also resolution 9 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the development of crime and criminal justice information and statistical systems,

"Further recalling resolution 1986/12 of the Economic and Social Council of 21 May 1986,

"Bearing in mind the recommendations on computerization of criminal justice administration proposed by the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic 2: 'Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures', which emanated from the European Seminar on the Computerization of Criminal Justice Information: Realities, Methods, Perspectives and Effects, held at Popowo, Poland, from 18 to 22 May 1987,

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"Aware that crime poses a serious problem to the personal security of individuals and to the enjoyment of their human rights, thereby adversely affecting the quality of life and harming the development process,

"Aware also that inefficiencies, inequalities or failures in the administration of criminal justice may themselves infringe on the rights and personal security of individuals,

"Recognizing that the computerization of criminal justice administration is an important mechanism for assistance in the efficient and humane management of criminal justice, and for the production of statistical information that would benefit national Governments and the international community by providing data on crime trends and the operation of criminal justice systems,

"Recognizing also that the growth of crime nationally and internationally calls for enhanced international co-operation,

"Convinced that the exchange of experiences at the Workshop and Seminar on the Computerization of Criminal Justice Administration to be held at the Eighth United Nations Congress offers a suitable opportunity of establishing viable policy options on this issue,

"Conscious that promotion of the computerization of criminal justice administration among Member States requires the enhancement of technical co-operation activities,

"Emphasizing the common problems faced by all Member States in the administration and computerization of criminal justice, and that both developing and developed countries may, through an enhanced capacity for an exchange of information on an international level, benefit from such international co-operation in the process of computerization,

"Mindful that technical co-operation requires extensive expertise and resources and new logistical arrangements for the speedy delivery of services relating to the computerization of criminal justice administration,

"1. Calls upon the Secretary-General, to the extent that the activities referred to in the present resolution cannot be undertaken within existing resources and with available expertise, to prepare proposals for submission to potential donors in the governmental, intergovernmental and private sectors, in possible consortium, to provide such funding and expertise; and such proposals should include pilot projects to demonstrate the value and viability of such activities, and serve as a basis for ensuring long-term resource support from diverse sources;

"2. Requests the Secretary-General, in co-operation with the network of regional and interregional institutes, to strengthen the Global Crime and Criminal Justice Information Network by the:

"(a) Development and distribution of appropriate publications, reports and newsletters;

"(b) Organization of regional and interregional meetings, seminars and workshops on a continuous basis;

"(c) Maintenance of an up-to-date roster of individuals and organizations to form the basis of an international technical co-operation infrastructure;

"(d) Enhancement of communication between Member States by the utilization of an electronic information network;

"3. Requests that the Secretary-General, in co-operation with the network of regional and interregional institutes, should establish a technical co-operation programme for the systematization and computerization of criminal justice in order to offer training, assess needs, formulate and execute specific projects, and report on the results achieved to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

"4. Further requests that the Secretary-General should establish an international group of experts, with interregional representation and with the support of the Department of Technical Co-operation, to report regularly to the Secretary-General, and with responsibility for:

"(a) Reviewing and assessing national experiences in the computerization of criminal justice;

"(b) Overseeing the establishment of the technical co-operation programme;

"(c) Monitoring the activities of the technical co-operation programme;

"(d) Informing Member States of the potential availability of funds and services from various donors in the governmental, intergovernmental and private sectors;

"(e) Informing such donors of the needs of Member States for assistance;

"(f) Consulting with relevant experts in the private sector in the field of criminal justice;

"5. Requests that adequate information on the experience of Member States with systematization and computerization should be included, and the necessary facilities for the exchange of general substantive information between Member States should be provided in the Global Crime and Criminal Justice Information Network;

"6. Urges Member States, intergovernmental and non-governmental organizations, specialized agencies and other bodies, including in particular the United Nations Development Programme and the World Bank, and the interested entities in the private sector with a technical co-operation programme to consider giving a high priority to criminal justice systematization and computerization projects in such programmes;

"7. Further urges Member States to assist the Secretary-General in the funding of the Global Crime and Criminal Justice Information Network, the technical co-operation programme and the work of the international group of experts."

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CONTINUATION OF PREPARATIONS FOR THE EIGHTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft resolution submitted by Eugène J. H. Frencken (Belgium), Abdul K. Nasution (Indonesia) and Simone Andrée Rozès (France)

The Committee on Crime Prevention and Control recommends to the Economic and Social Council that the following draft resolution be transmitted to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders:

"The Rome Declaration

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"THE CUSTODIAL AND NON-CUSTODIAL TREATMENT OF OFFENDERS

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Bearing in mind the important role of the United Nations in the field of criminal justice through the medium of the quinquennial Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling the Final Act adopted at Helsinki in 1975 by the participating States of the Conference on Security and Co-operation in Europe and the Concluding Document adopted by those States in 1989 at the follow-up Vienna Meeting 1986 of Representatives of the Participating States of the Conference, in which those States expressed their intention to strengthen co-operation, inter alia, in the areas of security and justice and the observance of human rights,

"Bearing in mind that the reports of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders encourage the continuous elaboration of strategies for the practical implementation of the United Nations norms and guidelines in crime prevention and criminal justice systems through various forms of international co-operation,

"Considering that the European Meeting of Heads of Prison Administrations, held at Messina and Rome from 6 to 12 November 1989 in preparation for the Eighth United Nations Congress, provided an excellent opportunity for an exchange of information and experience between European countries,

"Noting with appreciation the close collaborative links established between the United Nations crime prevention and criminal justice programme and its human rights programme,

"Recognizing the necessity and relevance of imprisonment as a penal sanction against some offenders in the overriding interests of public safety,

"Conscious of the heavy demands made by the criminal justice system on the human and material resources of Member States,

"Bearing in mind the limited effectiveness of imprisonment as a mechanism of social defence, crime prevention and control,

"Taking account of the high economic and social costs of imprisonment as a penal sanction,

"Acknowledging the potentially adverse effects of imprisonment on the psychological, emotional and social aspects of the personality of the individual offender,

"Bearing in mind the potentially damaging consequences of imprisonment for the family and for the social relationships of the offender,

"Taking into account the effectiveness and lower economic and social cost of non-custodial sanctions,

"Cognizant of the need to intensify the search for credible non-custodial sanctions and to expand their application,

"Reaffirming that crime prevention, criminal justice and the treatment of offenders are important elements in the overall social defence and socio-economic development of States that embody respect for human rights and fundamental freedoms,

"Invites Member States:

"(a) To consider limiting the scope of criminal law in relation to socially undesirable behaviour and to examine the extent to which offences might be decriminalized;

"(b) To consider also the extent to which the use of imprisonment might be replaced by non-custodial sanctions consistent with public safety;

"(c) To emphasize that non-custodial sanctions constitute sentences in their own right and should not be seen as merely substitutes for sentences of imprisonment;

"(d) To work towards the adoption and implementation of the draft United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), including the necessary infrastructures and resources, and to foster favourable attitudes on the part of the community at large, especially legislators, judges, prosecutors and administrators;

"(e) To make available non-custodial sanctions as judicial sanctions;

"(f) To take into consideration, in the framework of non-custodial sanctions, the availability of alternatives to pre-trial custody that could be adopted more extensively;

"(g) To avoid, reduce or eliminate overcrowding in prisons by considering the use of a combination of factors: a reduction in the length of prison sentences available; the substitution of non-custodial sanctions or measures; and the reduction of pre-trial detention by facilitating pre-trial release or the use of bail and recognizances;

"(h) To limit the use of pre-trial detention to those cases essential to the preservation of public safety and the proper administration of justice;

"(i) To examine methods of ensuring that the access of persons in pre-trial detention to legal or other advice and assistance is not impeded and the conditions of detention are no more restrictive than is necessary to ensure the secure containment of such persons;

"(j) To work towards the more complete implementation of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 C I (XXIV) of 31 July 1957) and the European Prison Rules;

"(k) To acknowledge that penal institutions are an integral part of the society they serve and that, in consequence, staff should be encouraged and enabled to play an active part in community affairs, as should prisoners so far as is consistent with public safety;

"(l) To develop the closest possible links between penal institutions and other national and local statutory and voluntary agencies and their local communities to limit the inherently deleterious effects of social isolation and to foster and maintain a sense of citizenship;

"(m) To develop the organizational and social structure of prisons so that they more nearly reflect the arrangements prevailing in society, of which the prisoners remain members and to which they will return, with particular reference to providing prisoners with the opportunity of exercising informed choice and of participating in decisions that govern their treatment and activity programmes, based on their individual needs in so far as these are consistent with the requirements of security and the maintenance of a safe and orderly environment;

"(n) To consider the scope for establishing a system that achieves a proper balance between the rights and responsibilities of members of society, with special regard to the victims of crime, those of the management and staff of penal institutions and those of the prisoners; account should be taken of the requirements of due process and the need to limit the range of discretion exercised by management and staff so as to prevent the use of arbitrary authority; this should be achieved by appropriate organizational structures and effective management procedures, the provision of effective complaints and grievance procedures, access to the courts, and regulatory and inspectorial arrangements including external supervision;

"(o) To examine ways in which reconciliation between offenders and their victims might be facilitated by the development of programmes designed to provide opportunities for mediation and reparation;

"(p) To consider also the need to review the managerial arrangements and working practices and their legal framework so as to reflect the implications of such an approach for the deployment of staff, their roles and responsibilities, and the relationship between prison officers and specialists and between prison officers and prisoners;

"(q) To pursue, in view of the above, new managerial arrangements and training programmes to establish and maintain the centrality of the role of prison officers, thereby contributing to the enhancement of their status and professional identity;

"(r) To establish and maintain a better understanding of the issues relating to penal systems through public education programmes and contact with the media and other interested organizations and institutions, so as to create a more positive image of all staff, whether they work in penal institutions or in the community, with responsibility for the maintenance of public safety and the reintegration of offenders into the community;

"(s) To consider how the status and public image of prison officers might be enhanced by the introduction of a new title that more accurately reflects their expanded role, together with a suitably styled uniform and appropriate conditions of service, pay and pension arrangements;

"(t) To establish appropriate training programmes to prepare and enable both management and staff to exercise their responsibilities within a legal and policy framework that determines their authority and accountability at all levels to make decisions and use discretion in relation to the individual treatment and personal development of prisoners, their security, care and control.

"B

"WORK, EDUCATION, LEISURE AND FAMILY VISITS

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Acknowledging the contribution of prison labour to the process of the rehabilitation and the reintegration of inmates into society,

"Noting with appreciation the research study on prison labour carried out by the United Nations Interregional Crime and Justice Research Institute,

"Drawing attention to the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 CI (XXIV) of 31 July 1957) and other international instruments in relation to prison labour,

"Emphasizing the need for further research, exchange of information and provision of technical assistance through the United Nations human rights and criminal justice programmes,

"Considering the universal right to education as a means of fully developing the human personality, as set out in article 26 of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III) of 10 December 1948) and in article 13 of the International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI), annex, of 16 December 1966),

"Bearing in mind article 16 of the Universal Declaration of Human Rights and article 23 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex, of 16 December 1966), both of which proclaim, inter alia, that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State,

"Recalling rule 37 of the Standard Minimum Rules for the Treatment of Prisoners, which provides that prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits,

"Invites Member States:

"(a) To develop education in prisons, including the provision of adequate library services, and the employment of trained teachers and volunteers from the community, with a view to facilitating the resocialization of prisoners;

"(b) To permit prisoners to receive frequent and prolonged visits from family and friends in the most favourable conditions possible, in particular the provision of special facilities for children so as to minimize any social and psychological damage.

"C

"DRUGS

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Acknowledging that drug-related issues deserve particular attention in view of their impact on the functioning of society and also the need to develop greater knowledge concerning the medical and social treatment of drug users,

"Considering that the abuse of drugs is a global problem of great complexity requiring social policies on preventive measures and treatment,

"Recognizing the adverse effects on the administration of the criminal justice system,

"Acknowledging however that drug use unconnected with other criminal activity is a matter of individual choice and has only limited effect on other members of society,

"Invites Member States to consider the extent to which they are able:

"(a) To differentiate in the application of the criminal law and in the nature and type of treatment provided to occasional users from those physically and/or psychologically dependent; to the user from the dealers; and to those whose offences are directly related to their drug dependence from those whose offences are not so related;

"(b) To give preference to the use of non-penal measures in relation to the personal use of drugs;

"(c) To provide medical, psychological and social treatment programmes for drug-dependent offenders, to be applied in appropriate cases, in the context of non-custodial sanctions;

"(d) To initiate or develop research programmes on the relationship between drug-dependence and crime.

"D

"HEALTH CARE

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling that in accordance with rule 22(2) of the Standard Minimum Rules for the Treatment of Prisoners sick prisoners in need of specialist treatment shall be transferred to specialized institutions or to civil hospitals;

"Aware of the need to provide resocialization opportunities for mentally disturbed and physically disabled prisoners;

"Invites Member States:

"(a) To arrange for the treatment of sick prisoners to be conducted in a multi-disciplinary context and to employ the services of specialized professional personnel;

"(b) To consider the human immunodeficiency virus, the acquired immunodeficiency syndrome, hepatitis and similar transmittable diseases as a growing public health issue concerning not only the wider community, but also the prison population and, in consequence, to provide information and encouragement to prisoners and staff to take the necessary measures to avoid the transmission of these diseases and, in the event of infection, to take the necessary measures to ensure their proper treatment including counselling;

"(c) To ensure that there is no discrimination on the grounds of infection.

"E

"JUVENILES

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Bearing in mind the principles and guarantees concerning the penal treatment of juveniles, contained in the International Covenant on Civil and Political Rights,

"Recalling in particular article 6 of the Covenant, which provides that a sentence of death shall not be imposed on persons below 18 years of age,

"Recalling further article 10 of the Covenant which, inter alia, provides that juvenile prisoners shall be separated from adults and should be accorded treatment appropriate to their age and legal status,

"Recalling also the adoption by the General Assembly in its resolution 40/33 of 29 November 1985 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, which Rules had been approved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Noting with satisfaction the adoption by General Assembly resolution 44/25 of 5 December 1989 on the Convention on the Rights of the Child,

"Calls upon Member States to maintain progress towards the treatment of juveniles as a special category in the application of the criminal law and the administration of justice, with a view to excluding the use of imprisonment for life for persons below 18 years of age, and as far as possible to avoid the use of imprisonment for persons below 16 years of age.

"F

"INFORMATION TECHNOLOGY

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Considering that the application of modern technology is increasingly desirable in the interests of the proper administration of justice, and that an exchange of expertise and experience between European countries would facilitate the wider use of this technology,

"Conscious of the need to ensure that computerization should be implemented in a way that respects the human rights of prisoners,

"Mindful that computer applications will need to be purpose-designed to meet the requirements of national penal administration systems,

"Aware of the need to ensure that computerized systems being introduced into the field of penal administration are compatible with systems operating, or with systems to be introduced, in the wider criminal justice system and in other social agencies,

"Encourages Member States to introduce and develop compatible computerized information systems for improving prison management and links with other criminal justice agencies.

"G

"INTERNATIONAL CO-OPERATION

"The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Emphasizing the role of research and studies in promoting effective and humane prison administration and the significance of co-operation in the field of training, research, exchange of documentation and information,

"Taking into account the possibility of establishing a permanent centre that will collaborate with international organizations and research and training institutes,

"Bearing in mind that the exchange of expertise and experience in the administration of prisons in Europe will assist each Member State in discharging its responsibility in this area,

"1. Expresses deep appreciation of the proposal of the Ministry of Justice of the Government of Italy to provide facilities for the establishment of a centre for European co-operation, which could usefully contribute to more effective European co-operation by:

"(a) Collecting and disseminating documentation on national legislation, regulations, research and studies as well as statistical data on penal and penitentiary matters;

"(b) Organizing training at the international level, as well as an exchange of personnel and fellowships for penitentiary staff;

"(c) Providing facilities for an exchange of methodological experience and training materials in these areas;

"(d) Assisting in the implementation of United Nations recommendations on collaboration within the penitentiary field;

"2. Expresses the wish that the Ministry of Justice of the Government of Italy should formulate proposals on the purpose, cost, method of operation and staffing of the proposed centre;

"3. Invites the European Member States to consider the development of this form of co-operation;

"4. Also invites the Ministry of Justice of the Government of Italy to consider preparing and publishing a yearbook containing different national prison rules and regulations in the countries of Europe and other regions;

"5. Calls upon the countries of Europe to co-operate in this effort by providing the necessary information and exploring the possibility of making financial contributions, as required;

"6. Encourages faculties of law and social sciences as well as research institutes to develop comparative research, studies and courses on penitentiary problems;

"7. Invites the United Nations Interregional Crime and Justice Research Institute and the International Centre for Penal and Sociological Research to consider the preparation and publication of a glossary of terms relating to the prevention of crime and treatment of offenders in all the official United Nations languages in co-operation with intergovernmental and non-governmental organizations interested in issuing such a glossary so as to facilitate a better understanding of common terminology;

"8. Recommends that regional European meetings of heads of national prison administrations should be convened regularly and invites Member States to consider hosting these meetings in their countries;

"9. Encourages Governments of other regions, which have not yet done so, to consider convening similar meetings in co-operation with interregional and regional institutes;

"10. Recommends also that an interregional workshop of heads of national prison administrations should be convened for the follow-up and implementation of the resolutions and recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to consider new ways and means of strengthening co-operation between States and of providing technical assistance to interested Governments in prison administration and human rights;

"11. Invites, for this purpose, the Secretary-General of the United Nations to make available resources from the United Nations Trust Fund for Social Defence and the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

"12. Invites, therefore, Member States to make earmarked voluntary contributions to these funds for this purpose;

"13. Invites also relevant non-governmental and other professional organizations, as well as the scientific community, to support the organization of this workshop substantially, financially and logistically;

"14. Invites Governments to consider using increasingly the provision to transfer foreign prisoners to their country of normal residence to serve their sentence;

"15. Invites Governments to explore, at the Eighth United Nations Congress, the possibility of a new convention permitting the transfer of the supervision of foreign offenders conditionally sentenced, conditionally released or sentenced to a non-custodial sanction."